

**REMARKS**

Claims 1-4 and 8-16 have been presented for examination in Amendment A of the above-identified U.S. Patent Application.

Claims 14 and 8-16 have been rejected in the Office Action dated August 10, 2007, the Office Action imposing a Final Rejection on all Claims.

Claims 1-3 and 8-14 have been amended by this Amendment under Rule 116.

Claim 4 has been cancelled by this Amendment A.

Claims 1-3, and 8-16 are still in the Application and reconsideration of the Application is hereby respectfully requested.

Referring to the Office Action dated August 10, 2007, Referring to Page 3 of the Office Action, Claims 8 and 9 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,035,135 issued in the name of Okamura (here-in-after referred to Okamura). Referring to Page 4, Claim 1 has been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,614,978 issued in the name of Kanzaki (here-in-after referred to as Kanzaki). Referring to Page 5 of the Office Action, Claim 2 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Kanzaki, cited above, in view of U.S. Patent 4,272,176

1 issued in the name of Maitani (here-in-after referred to as  
2 Maitani). Claims 3 and 4 have been rejected under 35  
3 U.S.C. 103(a) as being unpatentable over Kanzaki, cited  
4 above, in view of the prior art admitted by Applicant.  
5 Referring to Page 7, Claims 10-12 have been rejected under  
6 35 U.S.C. 103(a) as being unpatentable over Okamura, cited  
7 above, in view of U.S. Pub. 2004/0075743, published under  
8 the name of Chatani et al, (here-in-after referred to as  
9 Chatani). Referring to Page 8 of the Office Action, Claim  
10 13 has been rejected under 35 U.S.C. 103(a) as being  
11 unpatentable over Kanzaki, cited above, in further view of  
12 U.S. Pub. 2005/0007486, published under the name of Fujii  
13 et al (here-in-after referred to as Fujii). Referring to  
14 Page 10, Claims 14-16 have been rejected under 35 U.S.C.  
15 103 as being unpatentable over Kanzaki, cited above, in  
16 further view of Fujii, cited above, in still further view  
17 of Chatani, cited above.

18  
19 Referring to the rejection of independent Claim 1  
20 under 35 U.S.C. 103(a) over Kanzaki, the Kanzaki reference  
21 involves a camera system with a two curtain shutter. The  
22 shutter is activated in the following manner. A first  
23 curtain is moved, thereby exposing the photosensitive  
24 surface for the recording of the image. The second shutter  
25 is used to stop the exposure, the second shutter moving  
26 between the source being photographed and the  
27 photosensitive surface. Therefore to capture a signal  
28 image, the movement of the two curtains is required. When  
29 the first curtain is not moved, the image never reaches the  
30 photosensitive surface and no image is recorded. If, once

1 the first curtain is moved, the second curtain is not  
2 moved, then the image is continually focused on the  
3 photosensitive surface and the image will be eventually  
4 over-exposed. Therefore, the action of both curtains is  
5 required to form an image on the photosensitive surface.  
6 The relative motion of the two curtains determines exposure  
7 time on the photosensitive element. Applicant respectfully  
8 suggests that Examiners interpretation of the text and  
9 Figures (column 1, lines 12-17 and column 2, lines 40-49  
10 and Fig. 1 and Fig. 4) is not accurate. The action of the  
11 two curtain shutter, as summarized above, requires that,  
12 with the activation of the first shutter, the image begins  
13 to form. The formation of the image is halted with the  
14 activation of the second curtain. Thus, applicant  
15 maintains that the action of both curtains acts in the  
16 manner of a simple shutter, the activation of either  
17 curtain alone will not result in an image. The activation  
18 of both curtains in a proper sequence results in an image.  
19 The two curtains provide a single shutter and the relative  
20 activation of the two curtains determines the shutter time.  
21 This operation is most easily understood from the first  
22 part of Claim 1 of the Kanzaki reference. In Claim 1 of the  
23 Application, this claim has been amended to indicate that a  
24 simulated image acquisition is followed by an actual image  
25 acquisition. The language used in the amended Claim is  
26 supported by the Specification and is included to clarify  
27 the invention. In addition, Claim 1 has been amended to  
28 relate to a human subject because there would be no point  
29 in the invention for a non-human subject. There is no  
30 disclosure and no teaching in the Kanzaki reference of

1 first providing a simulated image acquisition and, after a  
2 time, an actual image acquisition. In the Kanzaki  
3 reference, the two curtains provide a signal shutter.  
4 There is no simulated image acquisition in the Kanzaki  
5 reference. In view of the foregoing discussion and  
6 amendments, it is believed that this Claim clearly  
7 distinguishes over the Kanzaki reference. Therefore,  
8 rejection of Claim 1 under 35 U.S.C. 103(a) over Kanzaki is  
9 respectfully traversed.

10  
11 Referring to Claim 2, claim 2 has been rejected under  
12 35 U.S.C. 103(a) as unpatentable over Kanzaki in view of  
13 Maitani. Claim 2 depends from Claim 1 and for that reason  
14 is believed, from the discussion above, to be in condition  
15 for allowance. In addition, the Maitani reference  
16 describes a camera in which sound provides a status of the  
17 operating conditions. The instant Claim 2 teaches away  
18 from the reference because, during the simulated image  
19 acquisition, the sounds are not related to an operational  
20 status but are meant to fool a human subject. Therefore,  
21 rejection of the Claim 2 under 35 U.S.C. 103(a) over  
22 Kanzaki in view of Maitani, is respectfully traversed.

23  
24 Referring to Claim 3, Claim 3 depends from Claim 2  
25 (and Claim 1). Claims 1 and 2 are believed to be in  
26 condition for allowance from the foregoing discussion.  
27 Therefore, rejection of Claim 3 under 35 U.S.C. 103(a) over  
28 Kanzaki in view of Applicant's admitted prior art is  
29 respectfully traversed.

1        Claim 8, the second independent Claim in Application,  
2    and Claim 9 have been rejected under 35 U.S.C. 102(b) as  
3    being anticipated by Okamura. Claim 8 includes the  
4    limitations of a "human subject" and "simulating" the  
5    acquisition of an image of the "human" subject. The  
6    "simulating" only makes sense in terms of the disclosure,  
7    i.e., how would someone simulate image acquisition for a  
8    non-human subject. Furthermore, reviewing the Okamura  
9    reference, no simulation is described. The image  
10   acquisition in the Okamura reference is real and is used to  
11   determine photometric properties of the image (not  
12   necessarily human) in order to adjust the subject  
13   illumination. Stated another way, the Okamura reference  
14   describes the acquisition of a real image and not of a  
15   simulated image. Only with a real image can the  
16   photometric properties be described. The reality and the  
17   use of the image described in Okamura are summarized in the  
18   Abstract of the Disclosure. The Abstract confirms what has  
19   been stated above, i.e., a real image is obtained and the  
20   properties of the real image are used to adjust the  
21   illumination of the image. While the foregoing discussion  
22   has been given for Claim 8, the same arguments are  
23   pertinent for Claim 9. In view of the foregoing  
24   discussion, rejection of Claims 8 and 9 under 35 U.S.C.  
25   102(b) over Okamura is respectfully traversed.

26  
27        In view of the fact that Claim 1 is believed to be in  
28   condition for allowance, Claims 13-16, depending there from  
29   are, are believed to be in condition for allowance.  
30   Similarly, in view of the fact that Claims 8 and 9 are

1 believed to be in condition for allowance, Claims 10-12,  
2 depending there from, are believed to be in condition for  
3 allowance.

4  
5 Therefore, rejection of Claims 1-3 and 8-16 under 35  
6 USC 102 (a) or under 35 USC 102(b) under either Kanzaki  
7 and/or Okamura, and/or Chatani, and/or Maitani, and/or  
8 Fujii, is respectfully traversed.

1  
2  
3 **CONCLUSIONS**

4 In view of the foregoing discussion and the foregoing  
5 amendments, it is believed that Claims 1-3, and 8-16 are  
6 now in condition for allowance of and allowance of Claims  
7 1-3, and 8-16 is respectfully requested. Applicant hereby  
8 respectfully requests a timely Notice of Allowance be  
9 issued for this Application.

10 Should any issues remain that could be resolved by a  
11 telephonic interview, Examiner is requested to telephone  
12 the undersigned attorney.

Respectfully submitted,



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